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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/988,954	11/21/2001	Peter M. Bonutti	BON-1721-11	9219

33771 7590 09/12/2003

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MIAMI, FL 33131

EXAMINER

PREBILIC, PAUL B

ART UNIT	PAPER NUMBER
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3738

DATE MAILED: 09/12/2003

14

Please find below and/or attached an Office communication concerning this application or proceeding.



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## Commissioner for Patents

The reply filed on June 26, 2003 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): The shift from the elected spacer embodiment to the bone plate and screw embodiment (an unrelated species not previously claimed) is not permitted. Furthermore, there is no explanation of support for the claim amendments as requested in the previous Office action. Moreover, the Examiner was unable to find clear support for the claimed subject matter especially the combination of the spacer and bone plate with fastener embodiments. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Prebilic whose telephone number is (703) 308-2905. The examiner can normally be reached on Monday-Thursday from 6:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Corrine McDermott, can be reached on (703) 308-2111. The fax phone number for this Technology Center is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center 3700 receptionist whose telephone number is (703) 308-0858.

Paul Prebilic  
Primary Examiner  
Art Unit 3738